

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed September 23, 2003. In order to advance prosecution of this case, Applicants amend Claims 3, 4, 6, 12-14, 20-21, 23, 27-29, and 48. Applicants respectfully request continued examination of the present Application in order that the Examiner may reconsider the rejection of the claims. Furthermore, Applicants respectfully request reconsideration and favorable action in this case.

Examiner Interview

In response to the Request for Interview Summary mailed November 17, 2003, Applicants provides a summary of the telephone interview conducted between the Examiner and Attorney for Applicants, Todd A. Cason, on November 12, 2003. Applicants would additionally like to thank the Examiner for the courtesy of agreeing to the interview.

INTERVIEW SUMMARY

Attorney for Applicants, Mr. Todd A. Cason (Reg. No. 54,020), conducted a telephonic interview with Examiner Phillpott on November 12, 2003. Applicants submit this summary of the telephonic interview to record Applicants' understanding of the substance of the interview. If Applicants' understanding is inaccurate, notice of such is appreciated.

Applicants thank the Examiner for the courtesy and opportunity to conduct the telephonic interview. During the interview, the Examiner and Attorneys for Applicants discussed the Examiner's rejections of Applicants' claims and the Examiner's interpretation of Applicants' claim language. Although the Examiner and Attorney for Applicants reached no

firm conclusions or agreements regarding the claims, the Examiner suggested claim language that might, according to the Examiner, further clarify the meaning of Applicants' claims.

Section 103 Rejections

The Examiner rejects Claims 2-9, 11-17, and 19-48 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,903,371 issued to Arecco et al. ("Arecco") in view of U.S. Patent No. 6,512,740 issued Baniewicz et al. ("Baniewicz"). While Applicants assert that the claims in their current form are sufficiently clear, Applicants, in the interest of expediting prosecution of this Application, amend the claims based on the Examiner's comments from the telephone interview of November 12, 2003.

As amended, Claim 3 recites:

In a TDM network having a plurality of switchable paths to a common destination, a method comprising:

receiving TDM traffic from a traffic source as a plurality of copies of traffic routed along a plurality of predetermined paths originating at the traffic source, each one of said paths having a receive circuit;

configuring a TDM switch to provide a route to a common destination for each one of the paths;

determining a qualified copy of the traffic, before the TDM traffic reaches the TDM switch; and

discarding all copies of the traffic except for the qualified copy such that only the qualified copy is passed to the TDM switch for routing to a common destination, wherein determining comprises detecting a loss of a keep-alive signal at one of the respective receive circuits.

Arecco fails to disclose, teach, or suggest every element of amended Claim 3. For example, amended Claim 3 recites "determining a qualified copy of the traffic, before the TDM traffic reaches the TDM switch" and "discarding all copies of the traffic except for the qualified copy such that only the qualified copy is passed to the TDM switch . . ." Arecco discloses an optical switch that switches between two optical inputs. Figure 2; Col. 6, ll. 30-36. As Figure 2 of Arecco and the accompanying text clearly indicate, the optical switch

receives optical signals from both signal-presence signalling devices 33 and 34. According to Arecco, drop outputs 25 and 26 are "optically connected to signal-presence signalling device 33 and 34, including photodiodes for example, optically connected to the respective drop outputs 25, 26 through corresponding optical couplers, and *therefrom to inputs 24 and 25 of a 2x1 type optical switch 27, provided with two inputs and one output.*" Col. 6, ll. 30-36 (emphasis added). Thus, the system of Arecco provides both optical signals to the optical switch. Therefore, Arecco does not disclose "determining a qualified copy of the traffic, before the TDM traffic reaches the TDM switch" or "discarding all copies of the traffic except for the qualified copy such that only the qualified copy is passed to the TDM switch . . ." as recited by amended Claim 3.

Moreover, combination with *Baniewicz* does not remedy this omission. *Baniewicz* discloses a telecommunication network that uses keep-alive messages and alarm indication signals (AIS) to properly recover from a system failure. Col. 7, ll. 15-20; Col. 10, ll. 33-48. *Baniewicz* does not disclose "determining a qualified copy of the traffic, before the TDM traffic reaches the TDM switch" or "discarding all copies of the traffic except for the qualified copy such that only the qualified copy is passed to the TDM switch . . ." as recited by amended Claim 3.

Thus, Arecco and *Baniewicz*, both alone and in combination, fail to disclose, teach, or suggest every element of amended Claim 3. Claim 3 is thus allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claim 3 and its dependents.

Although of differing scope from Claim 3, amended Claims 4, 6, 12-14, 20-21, 23, 27-29, and 48 include elements that, for reasons substantially similar to those discussed above with respect to Claim 3, are missing from Arecco and Baniewicz. Thus, Claims 4, 6, 12-14, 20-21, 23, 27-29, and 48 are allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claims 4, 6, 12-14, 20-21, 23, 27-29, and 48, and their respective dependents.

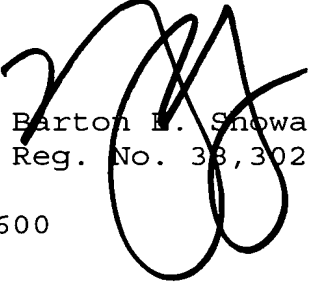
Conclusions

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Attached herewith is a check in an amount of \$770.00 made payable to the "Commissioner of Patents and Trademarks" to satisfy the request for continued examination fee of 37 C.F.R. §1.17(e). The Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants



Barton M. Snowalter
Reg. No. 38,302

2001 Ross Avenue, Suite 600
Dallas, Texas 75201-2980
(214) 953-6509

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CORRESPONDENCE ADDRESS:

Customer Number:

05073